IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

PIL Writ Petition No.18 of 2007

Dr. M. Rajaram ..Petitioner.
Vs
Union Bank of India and Ors ..Respondents

Mr.M.P. Vashi for petitioners.
Mrs.Poornima Advani with Mrs Bharati Mahant
for respondents.

CORAM: SWATANTER KUMAR,C.J.,&
S.C.DHARMADHIKARI, J.
DATE: JUNE 20, 2007.

P.C.:-

The affidavit in reply on behalf of the respondents-Ministry of Labour and Employment, Shram Shakti Bhavan, New Delhi has been filed by one Mr. M.S. Azad, Under Secretary in the said Ministry. It is stated in the affidavit that the irregularities or any other omission and commission alleged to have been committed by respondent No.3 will be looked into by the concerned authority who is competent to look into the same. In view of this affidavit, we are of the considered view that it is not necessary for this court to pass any further directions at this stage. Let the authority concerned decide the matter expeditiously. In the event the petitioner is aggrieved by the final conclusion, he is at liberty to proceed in accordance with law.

Another grievance which has been made at the bar today is that since the petitioner is one of the complainant or person who has pointed out the irregularities duty supported by the audit report involving respondent No 3, he should not be permitted to continue on the disciplinary or controlling authority. We are unable to accept this contention at this stage. Mere fact that the petitioner has pointed out certain irregularities or fraud against respondent No.3, the authorities concerned are not estopped from proceeding with the matter and take fair view in the matter. We permit the petitioner to make a representation to the Secretary of the concerned department for appropriate orders in regard to the posting or transfer of that man and if such a representation is made, the authorities would decide the same within four weeks from the date of its filing.

Writ petition is disposed of in the above terms with no order as to costs.

CHIEF JUSTICE

S.C.DHARMADHIKARI. J.